

REMARKS

Applicants wish to thank the Examiner for the courtesy extended by Examiner Vanik during a personal interview on September 13, 2005 with applicant's representative, Paul Lavoie. This Amendment is filed in response to the Office Action dated July 18, 2005 which time period is set to expire on October 18, 2005. Reconsideration of this application is requested in view of the foregoing amendments and the following remarks.

Before this amendment, claims 1-19 were pending. Claims 1, 2, 5, 8, 13, 14 and 15 have been cancelled. Claims 3-4, 6-7, 9-12 and 16-19 have been amended. Claims 20 and 21 have been newly added. Thus, claims 3-4, 6-7, 9-12, 16-20 and 21 are presently pending in the application.

Claim 20 reflects the language of previously pending claims 1, 5, 8 and 13 and to replace the transition clause from "comprising" to "consisting essentially of." Claim 21 reflects the language of claims 1, 5, 8 and 13. Claim 21 further replaces the transition clause from "comprising" to "consisting essentially of." Claims 3-4, 6-7, 9-12 and 16-19 were amended to change dependency only. No new matter has been added by these amendments.

Election is made to group II including the subject matter of claims 13 and 14 which subject matter has been organized into claims 20 and 21. The remaining claims have been amended to depend from claims 20 and 21 consistent with the election. This election is made without traverse.

Claims 20 and 21 are the two independent claims at issue. All of the dependent claims pending depend from one of independent claims 20 and 21. Thus, if claims 20 and 21 are patentable, all of the claims are patentable.

Claim 20 recites a method of treating a contact lens. The method comprises contacting a surface of a contact lens with a solution. The solution comprises a preserving agent comprising one or more saccharides in combination with one or more polysaccharides. The saccharides and polysaccharides are in an amount effective for solution preservation.

Claim 21 recites a method of treating a medical device. The method comprises contacting a surface of a medical device with a solution. The solution contains a preserving agent. The preserving agent consists essentially of one or more saccharides in combination with one or more polysaccharides. The one or more saccharides and one or more polysaccharides are in an amount effective for solution preservation.

Both claims 20 and 21 have preserving agent that consist essentially of one or more saccharides in combination with one or more polysaccharides.

Claims 13 and 14 as originally filed were rejected as being anticipated by U.S. Patent No. 6,274,133 (Hu). Hu teaches the optional addition of glycerol as a tonicity adjusting agent in a composition that contains a cationic polysaccharide to prevent lipid and protein accumulation on the lens. Hu requires a disinfecting amount of a preservative or antimicrobial agent. Hu does not inherently or explicitly teach a preserving agent that consists essentially of one or more saccharide in combination with one or more polysaccharides. The present invention enables the elimination or a significant reduction in the amount of antimicrobial agent to a level below an amount effective for solution preservation. This eliminates or significantly reduces the amount of preservative with two agents that are known to be very gentle in the eye. The comfort and efficacy can be greatly improved by this combination.

Claims 13 and 14 were rejected as being anticipated by U.S. Patent No. 64,436,730 (Ellis). Ellis teaches the use of cationic polysaccharides that form a polyelectrolyte complex that


provides increased, long-lasting wettability leading to cushioning and lubricating effect. Ellis teaches a solution comprising a cationic polysaccharide, hydroxyethyl cellulose and benzalkonium chloride as a disinfectant agent in a disinfecting amount.

The present invention enables the elimination or a significant reduction in the amount of antimicrobial agent to a level below an amount effective for solution preservation. This eliminates or significantly reduces the amount of preservative agents with two ingredients that are known to be very gentle in the eye. The comfort and efficacy can be greatly improved by this combination. The replacement of harsh preservative agents and disinfectants with gentle agents that pass preservative efficacy is an important objective of producing lens care solutions. The present invention is appropriately defined and represents a significant improvement in the prior art addressing one of its greatest needs. Applicants believe that the claims are in condition for allowance.

In view of the foregoing arguments and amendments, Applicants believe that the application is in condition for allowance. An early and favorable action on the merits is solicited.

Respectfully submitted,

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Paul T. Lavoie
Attorney for Applicant
Registration No. 38,681

BAUSCH & LOMB INCORPORATED
One Bausch & Lomb Place
Rochester, NY 14604-2701
Telephone: (585) 338-6353
Facsimile: (585) 338-8706
Email: Paul.T.Lavoie@bausch.com